

House Judiciary Committee Amendment #1

Amendment No. 1 to SB0992

Person
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Comm. Amdt. _____

AMEND Senate Bill No. 992*

House Bill No. 900

by deleting SECTIONS 1 and 2 of the printed bill in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-13-104(1)(B), is amended by deleting the same in its entirety and substituting instead the following:

(B) The operator of the motor vehicle or watercraft directly causing the death or injury was operating the motor vehicle or watercraft as is prohibited by § 55-10-401; provided that claims for any personal injury or loss alleged to have been incurred as a result of the personal injury or death of a passenger in such a motor vehicle or watercraft shall be subject to Section 2 of this Act.

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 13, Part 1, is amended by adding the following as a new appropriately designated section:

29-13-1___. Claims by passengers in motor vehicles or watercraft.

(a) Claims for compensation brought under § 29-13-104(1)(B) shall be barred if the victim knew or reasonably should have known that the operator of the motor vehicle or watercraft was under the influence of alcohol, a drug of abuse, or both. For purposes of this section, "a drug of abuse" shall mean any intoxicant, marijuana, narcotic drug, or drug that produces stimulating effects on the central nervous system.

(b) For purposes of this section and § 29-13-104(1)(B), a rebuttable presumption shall exist that the victim knew or reasonably should have known that the driver was under the influence of alcohol, a drug of abuse, or both. The fact that the victim was under the influence of

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alcohol, a drug of abuse, or both shall not mitigate, excuse or justify the victim's failure to have reasonably known that the operator of the vehicle was under the influence of alcohol, a drug of abuse or both.

(c) The provisions of this section shall not apply if on the date of the offense the victim was under fourteen (14) years of age or was at least fourteen (14) years of age but less than eighteen (18) years of age and was riding with a parent, guardian or other person exercising parental control over the victim.

SECTION 3. This act shall take effect on July 1, 2001, the public welfare requiring it and shall apply to all claims for compensation filed on or after July 1, 2001.